that the inventor had possession of the claimed invention, which recites: "wherein said tag is not embedded in said database statement." Paragraphs 22, 33-34, and 37 provide specific examples of tags that are not embedded in database statements. Paragraph 22 describes several techniques other than embedding a tag in the database statement. Paragraph 22 states: "Tag 103b includes control information such as information related to priority, quality of service, user identification, security, and/or user supplied routines that is **appended to, attached to, sent with,** embedded in **or otherwise associated with database statement 103a**." In other words, the specification explicitly describes techniques where the tag is not embedded in the database statement.

Further, paragraphs 33-34 provide detailed examples of tags that are not embedded in the database statement. Paragraphs 33-34 describe one non-limiting example of an "execution interface" for receiving database statements and control tags. As described in paragraph 33, "statement" is one argument of DBMS_SQL.PARSE(), and "control tag" is another argument of DBMS_SQL.PARSE(). As further explained in paragraph 34, "the execution interface may be DBMS_SQL.PARSE(cursr, 'SELECT * FROM emp', v7, 'resource=g1 id=scott')." In the non-limiting example, the database statement, "SELECT * FROM emp," conforms to SQL, and the control tag, "resource=g1 id=scott," is not embedded in the database statement.

In another non-limiting example of paragraph 37, the tag can be sent in XML rather than in a SQL database statement. Paragraph 37 further explains, "a tag may be <SQL attributes> <resource> g1 <> <id> scott <> <SQL attributes>." In the example, the tag provides metadata such as "g1," the name of the resource issuing the database statement, and "scott," the ID of the developer that wrote the database statement.

For at least the reasons provided above, the specification as filed explicitly describes the claimed subject matter in a way that reasonably conveys to a person of ordinary skill in the art that the inventor had possession of various embodiments where the tag is not embedded in a database statement. Therefore, Applicant respectfully requests withdrawal of the erroneous rejection of Claims 1-26 under 35 U.S.C. § 112.

II. 35 U.S.C. § 101

Applicant thanks the examiner for reconsideration of the rejection under 35 U.S.C. § 101, which has correctly been withdrawn as Claims 14-26 are limited to statutory embodiments.

III. 35 U.S.C. § 102(e)

Claims 1-4, 6-9, 14-21, and 26 were erroneously rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. App. Pub. No. 2005/0050046 ("Puz").

The Federal Circuit held that, "unless a reference discloses within the four corners of the document **not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim**, it cannot be said to prove prior invention of the thing claimed and, thus, **cannot anticipate under 35 U.S.C. § 102**." (emphasis added) (*Net MoneyIN, Inc. v. Verisign, Inc.*, No. 2007-1565 (Fed. Cir. 2008).

All pending claims recite a tag that "is not embedded in said database statement." This feature is not shown by Puz, which states in paragraph 28: "The parse tree is analyzed and, for each database object involved in the query, an appropriate **security marker is inserted into the SQL string**." In other words, the security marker is embedded in the SQL string.

Puz further explains (par. 30):

> "The server-side software receives the SQL query parts from the client system 18 **as a single string**. The server-side software 12 then performs access control list (ACL) checks on the security markers 46 in the received string and generates a final SQL string 60 as shown in FIG. 3. The final SQL string 60 **is a single string**, however, it has logical or identifiable parts corresponding to the received query parts. For example, the final SQL string 60 includes the first SQL part 40 followed by a first SQL security check 62 that corresponds to the first security marker 46."

In other words, the security check is part of a single final SQL string.

Puz does not show at least the feature of "receiving a request to execute the database statement, wherein the request includes the database statement and a tag that does not conform to a database language of said database statement, wherein said tag is not embedded in said database statement," as recited in all pending claims. Therefore, Applicant respectfully requests withdrawal of the erroneous rejection of Claims 1-4, 6-9, 14-21, and 26 under 35 U.S.C. § 102(e).

IV. 35 U.S.C. § 103(a)

Claims 5, 10-13, and 22-25 were erroneously rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable in view of U.S. Pat. App. Pub. No. 2005/0050046 ("Puz") and further in view of U.S. Pat. App. Pub. No. 2003/0014394 ("Fujiwara").

In order to support a rejection under 35 U.S.C. § 103, the Supreme Court explained that, although precise teachings of the specific subject matter of the challenged claim do not need to be expressly provided in the references, "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 418 (US 2007), quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006).

The Final Office Action fails to provide the rational underpinning necessary to support the legal conclusion of obviousness. As discussed, Puz mentions information that is embedded in a database statement. Puz does not show at least the feature of "receiving a request to execute the database statement, wherein the request includes the database statement and a tag that does not conform to a database language of said database statement, wherein said tag is not embedded in said database statement," as recited in all pending claims.

Fujiwara does not fill the gaps left by Puz. Fujiwara is not cited for this feature and, in fact, fails to teach this feature. Fujiwara (for example, paragraph 73) mentions references to masked columns that are embedded in a database statement. The references to the masked columns are then replaced by corresponding function calls that are also embedded in the database statement. Therefore, Fujiwara mentions information that is embedded in a database statement and fails to teach "receiving a request to execute the database statement, wherein the request includes the database statement and a tag that does not conform to a database language of said database statement, wherein said tag is not embedded in said database statement," as recited in all pending claims.

The Final Office Action provides no rational basis for how the references could be combined such that the tag "is not embedded in said database statement." Each of the references relies upon information that is embedded in the database statement. The combined teachings of the references completely fail to address techniques that involve (a) receiving a request that includes a tag that is not embedded in the database statement, (b) storing information

from the tag that is not embedded in the database statement in a manner that is associated with the database statement and accessible to a tag access mechanism, and (c) executing the database statement using information stored from the tag that was not embedded in the database statement, as claimed. The claimed techniques go beyond the mere execution and translation of complex database statements and cannot be proved obvious by techniques that rely upon information embedded in the database statements.

The Final Office Action fails to provide the rational underpinning that is necessary to support the legal conclusion that the entire claim, including a tag that is not embedded in a database statement, would have been obvious to a person of ordinary skill in the art. Therefore, the Final Office Action fails to state a prima facie case of obviousness, and Applicant respectfully requests withdrawal of the erroneous rejection of Claims 5, 10-13, and 22-25 under 35 U.S.C. § 103(a).

V. CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,
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Dated: 9/3/10

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